

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALEXANNE MARIE DANIS,

Plaintiff,

v.

BERRY,

Defendant.

No. 1:23-cv-00152 GSA (PC)

ORDER DIRECTING PLAINTIFF TO SHOW
CAUSE WHY THIS MATTER SHOULD NOT
BE DISMISSED FOR FAILURE TO OBEY
COURT ORDER AND FOR FAILURE TO
KEEP COURT APPRISED OF CURRENT
ADDRESS

(ECF No. 10)

PLAINTIFF'S SHOWING OF CAUSE, OR IN
THE ALTERNATIVE:

(1) HER FILING OF A NOTICE OF
CURRENT ADDRESS WITH THE COURT,
OR

(2) HER VOLUNTARY DISMISSAL OF
THIS MATTER DUE IN FOURTEEN DAYS

Plaintiff, a former state prisoner proceeding pro se and in forma pauperis, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

For the reasons stated below, Plaintiff will be ordered to show cause why this matter should not be dismissed for failure to obey a court order. As an alternative to filing the showing of cause, Plaintiff may either: (1) file a notice of change of address with the Court, or (2)

1 voluntarily dismiss this matter. Plaintiff will be given fourteen days to take one of these three
2 courses of action.

3 I. RELEVANT FACTS

4 On January 27, 2023, Plaintiff's complaint was docketed. See ECF No. 1 at 1. At that
5 time, Plaintiff was incarcerated at the California Institution for Women. See id.

6 Plaintiff's last interaction with the Court was on March 10, 2023, when she filed her
7 consent / decline form with the Court. See ECF No. 9. As a result, on March 12, 2025, given the
8 amount of time that had passed, prior to screening the complaint, the Court ordered Plaintiff to
9 file a notice of current address with it. See ECF No. 10 (minute order). Plaintiff was given seven
10 days to comply with the Court's order. See id.

11 On April 3, 2025, the Court's order that had directed Plaintiff to file a change of address
12 with the Court was returned marked, "Return to Sender, Attempted – Not Known, Unable to
13 Forward." ECF No. 11. On the same notice, the word "Paroled" as well as a forwarding address
14 were handwritten on it. See id. A cursory search of that address indicates that Plaintiff is no
15 longer incarcerated. See id.

16 On April 7, 2025, based on the information that had been provided on the returned court
17 order, the Clerk of Court updated the case caption of the docket with Plaintiff's forwarding
18 address and re-served the Court's March 2025 order on Plaintiff at that address. See 4/7/25
19 docket entry (NEF indicating same).

20 II. DISCUSSION

21 Since the Court's order that directed Plaintiff to file a notice of current address was re-
22 served on Plaintiff on April 7, 2025, it has not been returned to the Court. Despite this fact, more
23 than thirty days have passed,¹ and Plaintiff has not responded to the Court's order, nor has she
24 filed a request for an extension of time to do so.

25 These facts on their face would warrant a recommendation that this matter be dismissed.
26 However, out of an abundance of caution and prior to recommending that this matter be

27 ¹ In 2025, the period that a litigant appearing in propria person has to file a notice of change of
28 address was reduced from sixty-three days to thirty days. See Local Rule 183(b).

1 dismissed, Plaintiff will be ordered to show cause why it should not be. As alternatives to filing
2 the showing of cause, Plaintiff may either: (1) file an updated notice of current address with the
3 Court and indicate that she wishes to continue to prosecute this case, or (2) voluntarily dismiss
4 this matter, consistent with Federal Rule of Civil Procedure 41(a)(1)(A)(i). Plaintiff will be given
5 fourteen days to take one of these three courses of action.

6 Accordingly, IT IS HEREBY ORDERED that:

7 1. Plaintiff is ordered to SHOW CAUSE why this matter should not be DISMISSED for
8 failure to obey a court order and failure to keep Court apprised of her current address;

9 2. As an ALTERNATIVE to filing the showing of cause, Plaintiff may either:

10 a. FILE a notice of current address with the Court and indicate in it that she wishes to
11 continue to prosecute this case, or

12 b. VOLUNTARILY DISMISS this matter, pursuant to Federal Rule of Civil
13 Procedure 41(a)(1)(A)(i), and

14 3. Plaintiff shall have fourteen days to take either course of action.
15

16
17 IT IS SO ORDERED.

18 Dated: June 5, 2025

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE